

IN THE DRAWINGS

Please find enclosed with this Response a set of formal drawings (on three sheets), and replace the informal drawings on file with the those enclosed herewith.

CONTINUED NEXT PAGE

REMARKS

This is in response to the office action mailed July 27, 2004. Claims 1 to 33 are now in this application. Claim 29 is amended to correct a spelling error, but no other claim amendments have been made. A new claim 33 is presented for the Examiner's favorable consideration.

The Examiner objected to the drawings because the drawing lines in all the figures are not uniform. Formal drawings are submitted herewith in response to this objection. No new material is contained in the formal drawings which are submitted herewith. Withdrawal of this objection is therefore requested.

The Examiner objected to claim 29, and an appropriate amendment is made herein. Withdrawal of this objection is therefore requested.

Claims 1-3, 6-9, 16, 18-19, 21 and 27-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Ha. Claims 1, 4 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Nilssen. Finally, Claims 1, 16-18 and 24-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Dowling. For reasons discussed more fully below, it is submitted that none of these references, whether taken individually or in combination,

discloses or even suggests the claimed invention. As such, the claimed invention defines patentable material over the cited references, and favorable reconsideration of all the claims is requested.

The claimed invention

The claimed invention has several clearly defined elements. Claim 1 requires a nightlight and control unit which has the following elements:

- (1) a nightlight housing;
- (2) an illumination member on or in the nightlight housing;
- (3) a control unit associated with the nightlight housing;
- (4) a light device connectable to the control unit; and
- (5) input means for programming the control unit.

None of the references includes all of these elements. A careful analysis of the nightlight and control unit of the invention will immediately reveal that there is defined an *illumination member* as well as a *light device*. These are two separate features of the invention. The illumination member is in the nightlight housing and remains on all night (as its name suggests), preferably providing a low intensity light in the room in which the nightlight and control unit of the invention is located. Additionally, there is the light device which is

regulated by the control unit, according to the settings of the user, which will fade out to darkness (or near darkness) over the period of time selected by the user.

Therefore, there are two discrete sources of light: the illumination member which has substantially constant intensity and the light device which changes intensity over time.

The art cited and applied by the Examiner fails in all respects to show this arrangement, as discussed below.

Ha

Ha is for a programmable gradual illumination lighting device. It appears to have a single light source, namely, the lamp 200. Ha shows the presence of a control unit 14 which can be placed "intermediate a conventional light fixture (100) and a conventional light bulb (200)" (see Abstract). The control unit 14 allows gradual lighting or dimming of the bulb 200. There is no other light source. As such, Ha fails to disclose or even hint at the presence of a second light source, let alone one which operates in accordance with the invention.

The Examiner refers to "an illumination member [20]" in the office action. However, "20" is not an illumination member; it is

a housing member.

Since Ha does not disclose the essential elements of the claimed invention, it fails as a reference and the Examiner is requested to withdraw the rejection based on this reference.

Nilssen

Nilssen is for a programmable electronic plug-in timer. Like Ha, it *infers* only a single light source, which presumably is in the table lamp TL. In the office action, the Examiner refers to the "light bulb; see Fig. 3" as corresponding to the illumination member in claim 1 and the claimed light device as the table lamp TL. *However, these are one and the same thing in Nilssen.* Like Ha, Nilssen does not have two separate sources of light, let alone two such sources which operate in the unique manner of the claimed invention.

Since Nilssen does not disclose the essential elements of the claimed invention, it fails as a reference and the Examiner is requested to withdraw the rejection based on this reference.

Dowling

Dowling is for light-emitting diode based products. Once more, a careful review of Dowling, as was the case with Ha and

Nilssen, does not show the two sources of light (the illumination member and light device) of the claimed invention.

Rather, Dowling is directed more toward a light display using LEDs to produce a variety of pleasing effects. There is no nightlight of subdued intensity. Dowling uses high-brightness LEDs which are processor controlled to produce color changing effects. Dowling bears absolutely no relationship in form, structure, or application to the claimed invention.

Since Dowling does not disclose the essential elements of the claimed invention, it fails as a reference and the Examiner is requested to withdraw the rejection based on this reference.

Conclusion

This response addresses all of the issues raised by the Examiner in the office action. Moreover, the cited references have been analyzed and compared with the claimed invention and, it is submitted, they all fail to disclose or suggest, whether taken individually or in combination, the claimed invention.

In view of the above, favorable reconsideration of all of the claims and allowance of the application is respectfully solicited.



If the Examiner has any questions, he is invited to contact the undersigned at (818)710-2788.

Please acknowledge receipt hereof by stamping and returning the enclosed return postcard.

Respectfully submitted,

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Enclosed: Formal drawings, 3 sheets
Return postcard

Certificate of Mailing (37 CFR 1.8):

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on October 27, 2004.

Colin P. Abrahams